

“TOP 21” RECOMMENDATIONS (Full Text)

1. Education and Outreach (Near Term)

- Conservation Education: encourage a conservation mindset among water suppliers and the public [ongoing, long term].
- Pending findings of WAPAC committees, the Education Committee will make recommendations regarding education, training, technical assistance or public relations initiatives to promote long-range conservation and use of the states' water resources. Recommendations will be particular to the needs of local municipalities, water supply districts, and constituencies most likely to be affected by a water allocation program. Financial resources must be made available over the long term for education to be successful
- In addition to public presentations, continue to use list serves, linked web pages and other electronic and print media to keep the public informed
- A preliminary outreach project should be established that educates the general public, public and regulatory officials, developers and existing water users of the importance and benefits of reclaiming wastewater for beneficial reuse. Public perception is a vital component of a successful reuse program. Many excellent resources exist that detail the promotion of reuse programs that can be tailored for use and distribution in Rhode Island to address possible public health concerns. (An initial allocation of \$50,000 for program development and a two-year trial implementation)

2. Maintain Financial Support for Data Systems

- Collect significantly more data on water use and supplies. This data is critical for the implementation of any policies, rights structures, or determinations of "reasonable use."

3. Major Suppliers Report Monthly Data Annually

- Require “major” public suppliers (those required to submit WSSMPs) to report monthly water withdrawal data annually on a calendar year basis. The committee felt that this could be accomplished in the short term and that these data are available now.

4. Maintain/Expand the Stream Gage Network

- The Subcommittee recognizes that the stream gaging network needs to be improved and that stream gaging is a vital part of managing stream flow. The subcommittee recommends a statewide stream gaging network that has at least one long-term continuous gage for each 12-digit HUC delineation. [In establishing priorities/first steps, the committee recommended that the state maintain existing gages and prioritize new gages with a recommended phase in schedule].

5. Central Authority to Prove Water Availability

- Charge a central authority with the burden of proof regarding water availability with respect to the safe yield of the resource.

6. Info gathering (streams, safe yield, build-out)

To support the recommendations below, we [Impact Committee] advocate several kinds of information gathering and analysis to determine the environmental, social, and economic impacts of water withdrawal.

- Water Resources Board – USGS Basin Studies
- Enhanced Stream Flow Monitoring
- Recalculation of Safe Yield
- Build-out Analysis & Evaluation of Alternative Regulatory Scenarios
- US Army Corp of Engineers type Impact Modeling

7. Seasonal Rates and/or Drought Surcharges

8. Standardize bills and increase frequency

9. Eliminate flat or fixed rates

Fair and reasonable rates

- Eliminate flat or fixed water and sewer rates and tie rates to volume of water used; use preferred (lower) rates for those using less water or reusing water; use seasonal (higher) rates or temporary drought surcharges during periods of water scarcity;
- Establish a “consumption per capita” standard which considers household size; consider an excess use rate over the standard rate.

10. Major suppliers categorize use quarterly

- Require “major” public suppliers to breakdown and report water use by category (domestic, commercial, industrial, institutional, agricultural, “nonaccount”) quarterly, based on a calendar year. There was recognition that this may take time to implement as systems update software/capacity for reporting. The Committee recommends implementation by 2010.

11. Water use reporting required over a threshold

- Require water-use reporting for use above the “major user” threshold of 3 million gallons per year (>8,200 gallons/day or >740,000 gallons over a three month period) for all self supplied users as well as “minor” suppliers statewide. Voluntary reporting of metered data or other accurate methods of measurement accepted by the Water Resources Board would commence in January 2005 and would become mandatory by January 2007.

12. Evaluate RIABF as an interim standard

- Watershed specific instream flow protocol is the preferred approach for establishing instream flow standards in Rhode Island. The Subcommittee recognizes that this will take several years to develop and implement. Consequently, the Subcommittee recommends the use of a simplified reconnaissance level method in the interim. The interim method would only be used for new withdrawals and planning purposes.
- As watershed specific standards are being developed, the subcommittee recommends use of an interim standard for new withdrawals and planning purposes. The subcommittee has considered a wide range of alternatives, and has found none substantially superior to

the RIABF interim standard proposed by DEM. The subcommittee wants to further evaluate the RIABF as the interim standard.

13. Funding for water audits/tech. assistance

- Water Suppliers should promote wastewater reclamation and reuse as a guaranteed water source for all new and existing users. Water Suppliers should also concentrate promotion of reuse through the Water Resources Board required Major Users Technical Assistance Program (MUTAP). A "Strategies for Wastewater Reuse" section exists in the State Guide Plan that can be enhanced through the MUTAP process. Reuse efforts should be concentrated at the state-owned and/or managed properties. These agencies, for example, have considerable land at which opportunities could be explored: Department of Administration, Department of Environmental Management, Economic Development Corporation and the Department of Mental Health, Retardation and Hospitals. (Presently required by MUTAP; additional efforts to be encouraged by RIWRB)

14. Water reuse plans for new development

- Legislation and/or regulations should be considered for all new residential, commercial and industrial projects in the State exceeding a certain water use or wastewater treatment threshold. This legislation and/or regulations would require a developer to submit a water use plan that evaluates and determines the feasibility of reuse and recycle systems for the proposed project. The development proposal/plan should evaluate the feasibility of wastewater reclamation and reuse as part of a water conservation plan to reduce or offset the impact of the development. In addition, this requirement should be incorporated into the Rhode Island Comprehensive Planning provisions and into local planning and zoning ordinances. Individual projects would be reviewed for consistency by local officials. (No financial impact other than staff time to draft legislation; unknown impact for amendment to local comprehensive plans and the review and approval of plans at the local level)

15. Identify priority natural resource areas

- Establish standards, priorities, and protocols to protect the natural environment. The state must establish a process that prioritizes natural resources including habitats, wetlands, and waterways. Stream flow standards need to be adopted, with special consideration given to priority areas. Priorities must come from a participatory planning process that combines ecological knowledge and community values. Public authority to manage water demand must extend to all users.

16. Water Allocation fee for all users

- Consider a Water Allocation fee for all water users, public and private; prepare a list of WAP initiatives that the fee would pay for; conduct a feasibility analysis regarding program implementation (user groups, fee collection process, administering authority, restricted receipts, etc.)
- Consider other fees, such as impact fees, system development fees, pump fees.

17. Modify water rights structure: surface water

- Develop a new rights structure as a combination of Voluntary, Market, and Regulatory Approaches during droughts, Registration of certain users, and Full-time Permitting of certain uses.

18. Statewide water use permit system

- Establish a water withdrawal permit system that considers OOB, stream flow and conservation among other criteria.
 - Assess impacts that would impair the sustainable development of the basin of origin with stream flow as the controlling factor.
 - Determine the impact on established minimum flows from the point in the basin where the withdrawal occurs.
- Create a new, statewide governance structure to administer permit systems for water withdrawal/use; or suggest adoption of certain portions of the Regulated Riparian Model Water Code which would enable existing agencies to modify their policies, procedures and regulations to support the objectives of the WAPAC.

19. Pre-application review process for development

- Establish a statewide "pre-application review process" for development projects that are deemed "significant" from a basin standpoint.
 - Establish formal, multi-disciplinary teams to provide review.

20. Agencies determine reasonable use

- Water rights under existing doctrines are limited to reasonable uses.¹ Previously, reasonable uses have been ascertained on a case-by-case basis by courts for states that operate under a riparian rights system. The following alternate structures continue these right structures, except the initial locus of determining whether uses are reasonable will shift to the administrative agency responsible for water allocation, the RI Water Resources Board. Unlike a case-by-case system, an administrative regulatory system provides notice and allows users to predict the results of their actions before acting, and to avoid rather than repair any violations. This approach has clear savings in time, money, and resources.

21. Modify water rights structure: groundwater

[see #17, requires additional analysis]

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¹ See discussion of section above on Existing Doctrine: Reasonable Use Riparian and American Reasonable Use.